

REMARKS

I. Summary of Office Action

Claims 1-20 are pending in the application.

Claims 1-3, 5-7, 9-13, 15-17, 19 and 20 are withdrawn from the application as being drawn to non-elected species or inventions. Claims 4, 8, 14 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brenner et al. U.S. Patent No. 6,004,211 (hereinafter "Brenner").

II. Summary of Examiner's Answer

The Examiner's Answer maintains the § 102(e) rejection of claims 4, 8, 14, and 18 made in the October 17, 2005 Office Action. The Examiner's Answer also provides comments in response to the arguments presented in applicants' Appeal Brief and includes several new bases for the § 102(e) rejection over Brenner.

III. Summary of Applicants' Reply to the Office Action and the Examiner's Answer

In response to the Office Action and the Examiner's Answer, applicants file herewith a Request for Continued Examination under 37 C.F.R. § 1.114. Applicants understand that the appeal will be dismissed, the finality of the Office Action withdrawn, and the amendments presented herein entered and considered.

Claims 4-8 and 14-18 have been amended to more particularly define the invention. Claims 9, 10, 19, and 20 have been canceled without prejudice. The claim amendments are

fully supported by the application as originally filed and therefore do not add new matter.

The Office Action's rejections of the claims and the new grounds of rejection provided in the Examiner's Answer are respectfully traversed.

IV. The 35 U.S.C. § 102(e) Rejection

As amended, independent claims 4 and 14 are directed toward a method and system of providing a user interface for interactive wagering. An indication of a wagering preference is received from a user. The wagering preference is stored. The stored wagering preference is then used as a default selection in subsequent wagers. The subsequent wagers are associated with at least a track selection, a race selection, a bet type selection, a bet amount selection, and a horse selection. The user is also provided with an opportunity to change the default selection for at least one of the subsequent wagers from the default selection to another selection.

In the Examiner's Answer, the Examiner now points to three distinct portions of Brenner that the Examiner contends shows applicants' claimed invention. First, the Examiner points to Brenner's "duplicate a wager" and "delete" functions. See Examiner's Answer, page 5. Second, the Examiner points to a portion of Brenner describing a "more bets same race" function and a "more bets different race" function. See Examiner's Answer, page 6. Finally, the Examiner points to a portion of Brenner describing "hot buttons." *Id.* Applicants respectfully submit that these three portions of Brenner fail to show or

suggest all of applicants' claimed features recited by amended independent claims 4 and 14.

A. Brenner's "Duplicate a Wager"
and "Send/Delete" Functions

In the Examiner's Answer, the Examiner contends that by selecting "duplicate a wager" or "delete wager," a user in Brenner is provided with an opportunity to change selections for a new wager from at least one of the default selections to another selection. See Examiner's Answer, page 5. The Examiner then cites to two paragraphs in column 12 of Brenner that purportedly show the ability to change selections for the new wager. See Examiner's Answer, page 6.

As argued in § VII.A.1 of the January 7, 2007 Amended Appeal Brief (hereinafter "Appeal Brief"), Brenner's duplicate a wager and delete functions do not allow changes to be made to any default selection for at least one subsequent wager. Rather, the delete function merely removes the entire wager from a wager line, and the duplicate a wager function merely duplicates the selected wager to the next available wager line. See Brenner, column 12, lines 45-50. After a wager is deleted, no action may be taken on the deleted wager. After a wager is duplicated, there is no opportunity to change any of the duplicated wager's selections. Rather, as argued in the Appeal Brief, the only options available in Brenner's interface after a wager has been duplicated are to: 1) duplicate the duplicated wager again, 2) delete the duplicated wager, or 3) send the duplicated wager to a totalisator. See FIG. 17 and Brenner, col. 12, lines 45-50. Therefore, the Examiner's contention that a default selection (e.g., a default horse selection or a

default track selection) for the subsequent wager may be changed after deleting or duplicating a wager is patentably false.

B. Brenner's "More Bets Same Race" and
"More Bets Different Race" Functions

The Examiner, in the Examiner's Answer, for the first time also points to disclosure in Brenner describing a "more bets same race" and "more bets other race" function. See Examiner's Answer, page 6. After selecting "more bets same race," the user is returned to step 214 to select another wager amount. Similarly, after selecting "more bets other race," the user is returned to step 204 to select another race. See Brenner col. 12, ll. 27-37 and FIG. 3. Although these functions might allow a user to skip certain selections (like the race selection or track selection), neither of these functions receive an indication from the user of a wagering preference for subsequent wagers, as recited by independent claims 4 and 14. Rather, the skipped race or track selections are merely the selections from the previously created wager.

Moreover, applicants' independent claims 4 and 14 now recite that the stored wagering preference is used as a default selection in subsequent wagers (plural wagers). In Brenner, the bypassed selections from the "more bets same race" and "more bets other race" function can only be used during the creation of the next wager (i.e., a single wager). The user might select the "more bets same race" or "more bets other race" button more than one time, but each time the user presses the button only the selections from the immediately proceeding wager are used. Therefore, these functions cannot be considered a stored

wagering preference that is used as a default selection in multiple subsequent wagers.

C. Brenner's Hot Buttons

The Examiner also points to disclosure in Brenner relating to "hot buttons" for the first time in the Examiner's Answer. See Examiner's Answer, page 6. The Examiner seems to contend that since Brenner's hot buttons allow a user to bypass certain wager selections, these bypassed wager selections are also considered default selections. See *id.* Applicants respectfully disagree.

For example, Brenner states that a hot button labeled "bet on next race" may allow user terminal 122 to determine "which upcoming race is the next race available for wagering" (Brenner, col. 17, ll. 13-16). Although the track and race selections for a wager may be bypassed using the "bet on next race" hot button, these selections are not based on any stored wagering preferences received from the user. Rather, in Brenner the user terminal has logic to determine which race is the next race available for wagering. See Brenner, col. 17, ll. 13-16. Since the user terminal is determining the bypassed selections based on logic that is not created by or derived from any received indication of the user, these hot buttons do not use the wagering preference as default selections for subsequent wagers.


For at least the foregoing reasons, applicants submit that independent claims 4 and 14 are allowable over Brenner. Dependent claim 8 and 18, which include all the limitations of independent claims 4 and 14, respectively, are allowable for at

least the same reasons. Applicants respectfully request, therefore, that the rejection of claims 4, 8, 14, and 18 be withdrawn.

IV. Conclusion

In view of the foregoing, claims 4, 8, 14 and 18 are in condition for allowance. The Office Action has withdrawn claims 5-7 and 15-17 from consideration as directed to a non-elected invention because of the constructive election of species. Applicants respectively request that these claims be rejoined because the generic claims (i.e., claims 4 and 14) are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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